

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION**

STEVEN W. HUDSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CAUSE NO.
	)	
OFFICER DONALD GARAB, and	)	
OFFICER MARK FELLER,	)	
	)	
Defendants.	)	

**COMPLAINT**

Plaintiff, Steven W. Hudson, by counsel, in his Complaint against the individual officer Defendants, alleges and says that:

1. The Plaintiff is Steven Hudson, an individual presently residing at the Corrections Centers of Northwest Ohio, 03151 Co. Road. 2425, Stryker Ohio 43557-9418.
2. Defendants include the following individual officer Defendants:
  - a. Officer Donald Garab of the Wolcottville Police Department who, on March 23, 2019, was acting as a person under color of law in his individual capacity as a police officer, when he apprehended and seized the Plaintiff; and
  - b. Officer Mark Feller of the Rome City Police Department who acted as a person under color of law in his individual capacity as a law enforcement officer when he apprehended and seized the Plaintiff on or about March 23, 2019.
3. After being pursued by police, Plaintiff hit a “stop stick” which flattened his tires on

SR 9 near 900 North. Plaintiff was ordered out of his vehicle. Plaintiff complied and was ordered to get on the ground. Plaintiff began to comply and placed his arms out like he was ordered to do. The Plaintiff was already on the ground when he was swarmed by officers. Plaintiff's shoulder was separated/partially dislocated and he may need rotator cuff surgery to repair the injury. He was punched in the back of his head. His head was rammed into the road causing it to bleed and swell. The force used by the Defendant officers was unreasonable and unnecessary and greater than that required to subdue the Plaintiff. Defendants' use of excessive force against the Plaintiff was in violation of Plaintiff's rights to be free from unreasonable seizure in violation of the Fourth Amendment of the United States Constitution and 42 U.S.C. § 1983.

4. Defendant officer Mark Feller and Donald Garab man-handled and used excessive force against the Plaintiff, sat on his back when Plaintiff was on the ground, grabbed Plaintiff's left arm and wrenched it at an angle which caused Plaintiff's left shoulder to separate/ partially dislocate (Plaintiff had a re-existing injury to his left shoulder). Plaintiff screamed out in pain and told the officer that he was hurting, but the officer slammed Plaintiff's head into the road causing his head to start bleeding and to swell. Officer Garab then started hitting the Plaintiff in the back of his head and neck with a

closed fist.

5. Plaintiff was taken to Parkview Noble Hospital where he was treated for his physical pain and injuries sustained as a result of the Defendants' use of excessive force against the Plaintiff. Plaintiff also suffered emotional distress, mental anguish, fright, and other similar damages and injuries. Plaintiff may need future surgeries to repair the damage caused by the Defendants' use of excessive force. Defendants are liable to the Plaintiff for his medical and hospital expenses.
6. Defendants acted intentionally in reckless disregard of Plaintiff's federally protected civil rights under the Fourth Amendment of the United States Constitution and 42 U.S.C. § 1983.
7. Plaintiff is entitled to both compensatory damages and punitive damages.

WHEREFORE, Plaintiff prays for a judgment against the Defendants, and each of them, for compensatory damages, punitive damages, reasonable costs and attorney's fees pursuant to 42 U.S.C. § 1983 and § 1988, and for all other and proper relief in the premises.

**JURY DEMAND**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury in this action.

Respectfully submitted,  
**CHRISTOPHER C. MYERS & ASSOCIATES**

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